



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02114-2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 1, 2019

City of New Bedford
Department of Environmental Stewardship
Attn: Michele S. Paul
133 William Street
New Bedford, Massachusetts 02740

Re: Modification to Approval for Risk-Based PCB Remediation under 40 CFR § 761.61(c)
Keith Middle School Northern Area Wetland Sediment/Soil
MADEP RTN: 4-21300

Dear Ms. Paul:

This is in response to your May 29, 2018 request to modify the EPA approval to address PCB-contaminated sediment and soil located in the northern area wetland (hereinafter "the Site") adjacent to the Keith Middle School, New Bedford, Massachusetts (the Site).¹ This proposed modification was submitted in accordance with Condition 15 of the *September 22, 2005 Approval for Risk-Based PCB Remediation under 40 CFR § 761.61(c)*. Attachment 1.

The Site contains PCB-contaminated sediment and soil that exceeds the allowable PCB levels under the federal PCB regulations at 40 CFR § 761.61. The PCB contamination was identified during wetland sediment monitoring as set forth in the *Long-Term Monitoring and Maintenance Implementation Plan, August 2012, Revision 5.5* for the Keith Middle School Property.

The City of New Bedford ("the City") proposed a modification which includes the following wetland sediment and soil remediation activities:

- Excavate and dispose of off-site dewatered PCB-contaminated sediment/soil at greater than or equal to ("≥") 50 parts per million ("ppm"), including sample location TSB-9, in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(iii)
- Construct a minimum 6-inch composite cap over PCB-contaminated sediment with ≥ 5 ppm but less than ("<") 50 ppm, with exception of the SD-70 sample location

¹ This modification request was submitted on your behalf by TRC to support a modification to EPA's Approval for risk-based cleanup for PCB-contaminated sediment and soil under 40 CFR § 761.61(c). Attachment 2 provides an inclusive list of supporting information for this request ("Administrative Record").

- Construct a minimum 6-inch composite cap over PCB-contaminated soil with ≥ 6.6 ppm but < 50 ppm, with exception of the SD-35 sample location
- Collect post-remediation samples to evaluate if mobilization of contamination occurred during implementation of remediation activities
- Record a deed notice for the wetland to document Site conditions and restrictions and establish a long-term monitoring and maintenance plan for the composite caps

Based on EPA's review of the submitted information, the proposed modification is supported by human health and ecological risk assessments. EPA has determined that the proposed modification is acceptable and that PCBs remaining at the Site will not pose an unreasonable risk of injury to health or the environment once the remediation work is completed and given that the Site will remain fenced in perpetuity. EPA applies this reasonable risk standard in accordance with the PCB regulations at 40 CFR § 761.61(c), and the Toxic Substances Control Act, at 15 USC § 2605(e).

The City may proceed with its proposed plan in accordance with 40 CFR § 761.61(c), subject to the following conditions:

1. Except as otherwise modified by this letter, the City must comply with all terms and conditions specified in the *September 22, 2005 Approval for Risk-Based PCB Remediation under 40 CFR § 761.61(c)*. Attachment 1.
2. The City must obtain all necessary State and local permits or approvals required for this modification.
3. This approved modification only addresses cleanup of the northern wetland area and the PCB contamination identified therein. The City shall follow all requirements and conditions for wetland restoration and for long-term monitoring of habitat recovery per the permits and approvals issued by the Massachusetts Department of Environmental Protection 401 Permit; the Army Corps of Engineers 404 Permit; and, the New Bedford Conservation Commission Order of Conditions.
4. EPA may revoke, suspend and/or modify this approval as described in Attachment 1, or if the EPA determines that the modification work or the PCB contamination remaining presents an unreasonable risk of injury to health or the environment, or if there is a change in the Site use.
5. Nothing in this modification approval is intended or is to be construed to prejudice any right or remedy concerning PCBs or other federally-regulated contaminants at the Site otherwise available to the EPA under Section 6 of TSCA, 15 U.S.C. § 2605, 40 CFR Part 761, or other provisions of federal, state and local law.


6. EPA shall consider this project complete only when it has received documents evidencing construction of the physical controls (i.e. composite caps), adoption of the deed restriction, and establishment of a long-term maintenance and monitoring plan for the Site caps. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the modification, and this modification approval.
7. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 022109
tisa.kimberly@epa.gov

EPA encourages the compliance with greener cleanup practices for all cleanup projects, and recommends adherence to the ASTM Standard Guide to Greener Cleanups E2893-16 ("Guide") for work conducted under this modification approval. Greener Cleanups is the practice of integrating options that minimize the environmental impacts of cleanup actions in order to incorporate practices that maximize environmental and human benefit. Please see Section 6 of the Guide for the Best Management Practices (BMP) Process dated May 2016 (See www.astm.org/Standards/E2893.htm for additional information). EPA encourages you to review the Guide and implement any practices that are feasible. If implemented, the PCB Completion Report (see Attachment 1, Approval Condition 21) should include a section on BMP Documentation, as described in Section 6.6.5 of the Guide.

Should you have any questions on this matter, please contact Kimberly Tisa at (617) 918-1527.

Sincerely,



Nancy Barnakian, Acting Director
Land, Chemicals and Redevelopment Division

Attachment 1: September 22, 2005 Risk-Based Approval (7 pages)

Attachment 2: Administrative Record for Modification (2 pages)

cc: D. Sullivan, TRC
G. Martin, MADEP
K. Carvalho, MADEP
File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

1 Congress Street, Suite 1100
BOSTON, MA 02114-2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

SEP 22 2005

Scott Alfonse, Director of Environmental Stewardship
City of New Bedford
133 William Street
New Bedford, Massachusetts 02740

Re: Approval for Risk-Based PCB Remediation under 40 CFR §761.61(c)
McCoy Field Wetland Sediment
MADEP RTN: 4-15685

Dear Mr. Alfonse:

This is in response to your application to address PCB-contaminated sediment in the wetlands located adjacent to McCoy Field, Hathaway Boulevard, New Bedford, Massachusetts (the Site).¹ The Site contains PCB-contaminated sediment that exceeds the allowable PCB levels under the federal PCB regulations at 40 CFR §761.61.

The City of New Bedford (the City) has submitted a proposed cleanup plan that includes the following major activities:

- Excavation and off-site disposal of PCB-contaminated sediment at greater than 1 part per million (>1 ppm);
- Wetland restoration; and,
- Establishment of long-term monitoring for habitat recovery.

Based on the EPA's review, the proposed plan is acceptable and will create no unreasonable risk when conducted in accordance with the Application and this Approval. The City may proceed with the cleanup and disposal under 40 CFR §761.61(c) and its Application, subject to the conditions of Attachment 1.

¹ This request was submitted on your behalf by BETA Group and was provided to support a risk-based cleanup and disposal approach for PCB-contaminated sediments under 40 CFR §761.61(c). Attachment 2 provides an inclusive list of supporting information for this request. These submissions will be referred to as the "Application."

This Approval specifically addresses requirements for the cleanup and disposal of PCB-contaminated sediments. The City shall follow all requirements and conditions for wetland restoration and for long-term monitoring of habitat recovery per the permits and approvals issued by the Massachusetts Department of Environmental Protection 401 Permit; the Army Corps of Engineers 404 Permit, and the New Bedford Conservation Commission Order of Conditions.

Nothing in this Approval is intended or is to be construed to prejudice any right or remedy concerning PCBs or other federally-regulated contaminants at the Site otherwise available to the EPA under Section 6 of TSCA, 15 U.S.C. §2605, 40 CFR Part 761, or other provisions of federal, state and local law.

EPA will not consider this cleanup complete until it has received all submittals required under this Approval. Should you have any questions on this matter, please contact Kimberly Tisa at (617) 918-1527.

Sincerely,



Robert W. Varney
Regional Administrator

Attachment 1, Approval Conditions
Attachment 2, Administrative Record

cc: ✓ A. Hanscom, BETA
G. Martin, MADEP
S. Porter, New Bedford Conservation Commission
Army Corps of Engineers

**ATTACHMENT 1: WETLAND PCB REMEDIATION APPROVAL
CITY OF NEW BEDFORD, MASSACHUSETTS****GENERAL CONDITIONS**

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB remediation waste* at the Site and identified in the Application.
2. The City of New Bedford (the City) shall conduct on-site activities in accordance with the conditions of this Approval and with the Application.
3. This Approval shall be revoked if the EPA does not receive written notification from the City of its acceptance of the conditions of this Approval within 10 business days of receipt.
4. In the event that the activities described in the Application differ from the conditions specified in this Approval, the conditions of this Approval shall govern.
5. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR §761.3 unless otherwise defined within this Approval.
6. The City must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the City shall contact EPA within 24 hours for direction on sampling and disposal requirements.
7. The City is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the City has or receives information indicating that the City or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
8. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the City are authorized to conduct the activities set forth in the Application. The City is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

9. The City shall notify EPA in writing of the scheduled date of commencement of on-site activities at least 3 business days prior to conducting any work under this Approval.
10. This Approval does not waive or compromise EPA's enforcement and regulatory authority, nor release the City from any applicable requirements of federal, state or local law, including those affecting any other contaminants.

REMEDIAL AND DISPOSAL CONDITIONS

11. The cleanup level for *PCB remediation waste* at the Site shall be less than or equal to 1 part per million (≤ 1 ppm).
 - a. *Bulk PCB remediation-waste* samples shall be collected on a bulk basis (e.g. mg/Kg) and in accordance with Subpart O. Verification sampling for *PCB remediation waste* shall be conducted in accordance with Subpart O procedures with a maximum 10-foot grid interval spacing. Samples shall be collected from both excavation bottoms and sidewalls, if applicable. PCB analytical results shall be reported on a dry weight basis.
 - b. In the event that verification samples are composited, the following shall apply:
 - i) The composite shall be prepared using equal volumes of each grab sample in accordance with §761.289(a); and,
 - ii) Analytical results of the composite samples shall be adjusted by multiplying the composite sample analytical results by the number of grab samples comprising the composite. This adjusted result shall be used to determine if the PCB cleanup standard has been achieved.
 - c. Wetland Remediation and Restoration Project Contract Specifications, Addendum 1, August 31, 2005, Technical Specifications Section 02265, Paragraph 3.02 shall be amended to include a requirement for testing of the (imported) wetland topsoil fill for PCBs.
12. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C/3541 or 3500B/3545 of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices. Chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another method(s) is validated according to Subpart Q.
13. PCB waste generated as a result of the activities described in the Application, excluding any decontaminated materials, shall be disposed of in accordance with 40 CFR §761.61(a)(5), unless otherwise specified below:

- a) Non-liquid cleaning materials, such as PPE and similar materials resulting from decontamination, shall be disposed of in accordance with 40 CFR §761.79(g)(6).
- b) Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR §761.79(b)(3)(i)(A), §761.79(b)(3)(ii)(A), or §761.79(c)(2).
- c) PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR §761.79(b)(1) or disposed of under §761.70.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

- 14. The City shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the City to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
- 15. Any proposed modification(s) in the plan, specifications, or information in the Application must be submitted to EPA for review and written approval. The City shall inform the EPA of any modification, in writing, at least 5 business days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve of the modification.
- 16. EPA may revoke, suspend, and/or modify this Approval if it finds that this risk-based cleanup and disposal action may pose an unreasonable risk of injury to health or the environment, or if the EPA does not receive information from the City it deems appropriate to make a determination regarding such potential risk.
- 17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
- 18. Any misrepresentation or omission of any material fact in the Application or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

19. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; if EPA finds that these activities present an unreasonable risk to public health or the environment; or if EPA finds that changes are necessary to comply with new rules, standards, or guidance for such approvals. The City may apply for appropriate modifications in the event new rules, standards, or guidance come into effect.

RECORDKEEPING AND REPORTING CONDITIONS

20. The City shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by the City at City Hall and at the Site. All records shall be made available for inspection by authorized representatives of EPA, until such time as EPA approves in writing a request for an alternative disposition of such records.
21. The City shall submit a Final Completion Report to EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a narrative of the remedial activities; characterization and confirmation sampling analytical results (if applicable); copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; the size of the remediation area(s); copies of manifests and/or bills of lading; copies of certificates of disposal or similar certifications issued by the disposer; and any additional report required under a regulatory agency or authority, including the Summary Report required under the New Bedford Conservation Commission Order of Conditions dated August 31, 2005.
22. Required submittals shall be mailed to:
- Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
1 Congress Street, Suite 1100 - CPT
Boston, Massachusetts 02114-2023
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
23. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.

END OF ATTACHMENT 1

ATTACHMENT 2. ADMINISTRATIVE RECORD

- *Alan Hanscom (BETA) to Kimberly Tisa (EPA), Wetlands Risk-Based Cleanup Request, Wetlands Site at McCoy Field, New Bedford, Massachusetts, June 17, 2005*
- *EPA Comments on June 17, 2005 Risk-Based Cleanup Request for McCoy Field Wetlands, August 18, 2005*
- *Versar Ecological Assessment Review Comments, August 2, 2005*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA), Response to Versar August 2, 2005 Ecological Assessment Review Comments, August 15, 2005*
- *Versar Review of August 15, 2005 Response to Comments, August 25, 2005*
- *City of New Bedford, Massachusetts, Wetlands Remediation and Restoration Project for New Keith Middle School Site, New Bedford, Massachusetts, Bid Documents and Specifications #SCH-5-C04, Addendum Number One, August 31, 2005*
- *City of New Bedford, Massachusetts, Wetlands Remediation and Restoration Project for New Keith Middle School Site, New Bedford, Massachusetts, Bid Documents and Specifications #SCH-5-C04, August 2005*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA), Response to August 18, 2005 EPA Comments on Risk-Based Cleanup Request, September 1, 2005*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA), Wetlands Risk-Based Cleanup Request, Wetlands Site at McCoy Field, New Bedford, Massachusetts, (Revised Portions Only), Rev. 1, September 1, 2005*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA), Response to Versar August 25, 2005 Comments, September 2, 2005*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA), Data Useability Assessment, September 8, 2005 (via e-mail)*
- *Versar Review of September 2, 2005 Response to Comments, September 16, 2005*

END OF ATTACHMENT 2

ATTACHMENT 2. ADMINISTRATIVE RECORD

- *Stage I Environmental Screening & State II Environmental Risk Characterization, Keith Middle School Wetland, New Bedford, Massachusetts. November 2010*
- *USEPA Comments AND Request for Additional Information on the Stage I Environmental Screening & Stage II Environmental Risk Characterization Report dated November 2010. April 19, 2011*
- *TRC Response to USEPA April 19, 2011 Comments on Stage I Environmental Screening & Stage II Environmental Risk Characterization dated November 2010. June 17, 2011*
- *USEPA Comments to TRC June 17, 2011 Response to USEPA April 19, 2011 Comments on the Stage I Environmental Screening & Stage II Environmental Risk Characterization dated November 2010. June 27, 2011*
- *TRC Response to USEPA June 27, 2011 Comments. July 8, 2011*
- *Phase II Comprehensive Site Assessment, Wetland to the West of Keith Middle School, New Bedford, MA. January 2012*
- *Phase III Identification, Evaluation and Selection of Comprehensive Remedial Action Alternatives, Wetland to the West of Keith Middle School, New Bedford, MA. October 2012*
- *Phase IV Remedy Implementation Plan. April 2018*
- *Request to Modify the September 22, 2005 Approval for Risk-Based PCB Remediation under 40 CFR § 761.61(c). May 29, 2018*
- *USEPA Comments on the May 29, 2018 Request to Modify the September 22, 2005 Approval for Risk-Based PCB Remediation under 40 CFR § 761.61(c). June 25, 2018*
- *TRC Responses to EPA Comments dated June 25, 2018. June 25 and 26, 2018*
- *TRC to New Bedford Conservation Commission. Request to Amend Order of Conditions to incorporate additional PCB locations beneath capped area. July 26, 2018*

- *TRC to New Bedford Conservation Commission. Change of PortaDam alignment to new configuration. Via email August 13, 2018*
- *TRC to USEPA. Transmittal of analytical Results Update and Implementation Modifications. January 24, 2019*
- *TRC to USEPA. Clarification on date of final Phase III Report, as referenced in the TRC May 29, 2018 letter*

END OF ATTACHMENT 2